

House File 766

H-1158

1 Amend House File 766 as follows:

2 1. Page 79, after line 35 by inserting:

3 <DIVISION \_\_\_\_

4 DISTRIBUTION OF FEDERAL FUNDS — RESTRICTIONS — ABORTION  
5 Sec. \_\_\_\_\_. DISTRIBUTION OF FEDERAL PUBLIC HEALTH SERVICES  
6 ACT FUNDS FOR FAMILY PLANNING.

7 1. The department of public health shall annually apply  
8 to the United States department of health and human services  
9 for grant funding under Tit. X of the federal Public Health  
10 Services Act, 42 U.S.C. §300 et seq. The department shall  
11 distribute all grant funding received to applicants in the  
12 following order of priority:

13 a. Public entities that provide family planning services  
14 including state, county, or local community health clinics,  
15 federally qualified health centers, and community action  
16 organizations.

17 b. Nonpublic entities that, in addition to family planning  
18 services, provide required primary health services as described  
19 in 42 U.S.C. §254b(b)(1)(A).

20 c. Nonpublic entities that provide family planning  
21 services but do not provide required primary health services as  
22 described in 42 U.S.C. §254b(b)(1)(A).

23 2. Distribution of funds under this section shall be made in  
24 a manner that continues access to family planning services.

25 3. a. (1) Distribution of funds under this section shall  
26 not be made to any entity that performs abortions, promotes  
27 abortions, maintains or operates a facility where abortions are  
28 performed or promoted, contracts or subcontracts with an entity  
29 that performs or promotes abortions, becomes or continues to be  
30 an affiliate of any entity that performs or promotes abortions,  
31 or regularly makes referrals to an entity that provides or  
32 promotes abortions or maintains or operates a facility where  
33 abortions are performed. However, the prohibition specified  
34 in this subparagraph (1) shall not be interpreted to include  
35 a nonpublic entity that is a distinct location of a nonprofit

1 health care delivery system, if the distinct location provides  
2 family planning services but does not perform abortions  
3 or maintain or operate as a facility where abortions are  
4 performed.

5 (2) The department of public health shall adopt rules  
6 pursuant to chapter 17A to require that as a condition of  
7 eligibility as an applicant under this section, each distinct  
8 location of a nonprofit health care delivery system shall be  
9 assigned a distinct provider identification number and complete  
10 an attestation that abortions are not performed at the distinct  
11 location.

12 b. For the purposes of this section, "nonprofit health  
13 care delivery system" means an Iowa nonprofit corporation  
14 that controls, directly or indirectly, a regional health  
15 care network consisting of hospital facilities and various  
16 ambulatory and clinic locations that provide a range of  
17 primary, secondary, and tertiary inpatient, outpatient, and  
18 physician services.

19 c. For the purposes of this section, "abortion" does not  
20 include any of the following:

21 (1) The treatment of a woman for a physical disorder,  
22 physical injury, or physical illness, including a  
23 life-endangering physical condition caused by or arising from  
24 the pregnancy itself, that would, as certified by a physician,  
25 place the woman in danger of death.

26 (2) The treatment of a woman for a spontaneous abortion,  
27 commonly known as a miscarriage, when not all of the products  
28 of human conception are expelled.

29 4. Funds distributed in accordance with this section shall  
30 not be used for direct or indirect costs, including but not  
31 limited to administrative costs or expenses, overhead, employee  
32 salaries, rent, and telephone and other utility costs, related  
33 to providing or promoting abortions as specified in this  
34 section.

35 5. The department of public health shall submit a report to

1 the governor and the general assembly, annually by January 1,  
2 listing any entities that received funds pursuant to subsection  
3 1, paragraph "c", and the amount and type of funds received by  
4 such entities during the preceding calendar year. The report  
5 shall provide a detailed explanation of how the department  
6 determined that distribution of funds to such an entity,  
7 instead of to an entity described in subsection 1, paragraph  
8 "a" or "b", was necessary to prevent severe limitation or  
9 elimination of access to family planning services in the region  
10 of the state where the entity is located.

11 Sec. \_\_\_\_ . ADMINISTRATION OF PERSONAL RESPONSIBILITY  
12 EDUCATION PROGRAM AND SEXUAL RISK AVOIDANCE EDUCATION GRANT  
13 PROGRAM FUNDS.

14 1. Any contract entered into on or after July 1, 2019, by  
15 the department of public health to administer the personal  
16 responsibility education program as specified in 42 U.S.C.  
17 §713 or to administer the sexual risk avoidance education  
18 grant program authorized pursuant to section 510 of Tit.  
19 V of the federal Social Security Act, 42 U.S.C. §710, as  
20 amended by section 50502 of the federal Bipartisan Budget  
21 Act of 2018, Pub. L. No. 115-123, and as further amended by  
22 division S, Title VII, section 701 of the federal Consolidated  
23 Appropriations Act of 2018, Pub. L. No. 115-141, shall exclude  
24 as an eligible applicant, any applicant entity that performs  
25 abortions, promotes abortions, maintains or operates a  
26 facility where abortions are performed or promoted, contracts  
27 or subcontracts with an entity that performs or promotes  
28 abortions, becomes or continues to be an affiliate of any  
29 entity that performs or promotes abortions, or regularly makes  
30 referrals to an entity that provides or promotes abortions or  
31 maintains or operates a facility where abortions are performed.  
32 However, the prohibition specified in this section shall not be  
33 interpreted to include a nonpublic entity that is a distinct  
34 location of a nonprofit health care delivery system, if the  
35 distinct location provides personal responsibility education

1 program or sexual risk avoidance education grant program  
2 services but does not perform abortions or maintain or operate  
3 as a facility where abortions are performed.

4 2. The department of public health shall adopt rules  
5 pursuant to chapter 17A to require that as a condition of  
6 eligibility as an applicant, grantee, grantee contractor,  
7 or grantee subcontractor under the personal responsibility  
8 education program or sexual risk avoidance education grant  
9 program, each distinct location of a nonprofit health care  
10 delivery system shall be assigned a distinct identification  
11 number and complete an attestation that abortions are not  
12 performed at the distinct location.

13 3. For the purposes of this section, "nonprofit health  
14 care delivery system" means an Iowa nonprofit corporation  
15 that controls, directly or indirectly, a regional health  
16 care network consisting of hospital facilities and various  
17 ambulatory and clinic locations that provide a range of  
18 primary, secondary, and tertiary inpatient, outpatient, and  
19 physician services.

20 4. For the purposes of this section, "abortion" does not  
21 include any of the following:

22 a. The treatment of a woman for a physical disorder,  
23 physical injury, or physical illness, including a  
24 life-endangering physical condition caused by or arising from  
25 the pregnancy itself, that would, as certified by a physician,  
26 place the woman in danger of death.

27 b. The treatment of a woman for a spontaneous abortion,  
28 commonly known as a miscarriage, when not all of the products  
29 of human conception are expelled.

30 Sec. \_\_\_\_\_. AWARD OF COMMUNITY ADOLESCENT PREGNANCY  
31 PREVENTION AND SERVICES PROGRAM GRANT FUNDS.

32 1. Any contract entered into on or after July 1, 2019,  
33 by the department of human services to award a community  
34 adolescent pregnancy prevention and services program grant  
35 using federal temporary assistance for needy families block

1 grant funds appropriated to the department shall exclude  
2 from eligibility any applicant, grantee, grantee contractor,  
3 or grantee subcontractor that performs abortions, promotes  
4 abortions, maintains or operates a facility where abortions are  
5 performed or promoted, contracts or subcontracts with an entity  
6 that performs or promotes abortions, becomes or continues to be  
7 an affiliate of any entity that performs or promotes abortions,  
8 or regularly makes referrals to an entity that provides or  
9 promotes abortions or maintains or operates a facility where  
10 abortions are performed.

11 2. The eligibility exclusion specified in subsection 1  
12 shall not be interpreted to include a nonpublic entity that  
13 is a distinct location of a nonprofit health care delivery  
14 system, if the distinct location provides community adolescent  
15 pregnancy prevention program services but does not perform  
16 abortions or maintain or operate as a facility where abortions  
17 are performed.

18 3. The department of human services shall adopt rules  
19 pursuant to chapter 17A to require that as a condition of  
20 eligibility as an applicant, grantee, grantee contractor,  
21 or grantee subcontractor under the adolescent pregnancy  
22 prevention and services program, each distinct location of  
23 a nonprofit health care delivery system shall be assigned a  
24 distinct identification number and complete an attestation that  
25 abortions are not performed at the distinct location.

26 4. For the purposes of this section, "nonprofit health  
27 care delivery system" means an Iowa nonprofit corporation  
28 that controls, directly or indirectly, a regional health  
29 care network consisting of hospital facilities and various  
30 ambulatory and clinic locations that provide a range of  
31 primary, secondary, and tertiary inpatient, outpatient, and  
32 physician services.

33 5. For the purposes of this section, "abortion" does not  
34 include any of the following:

35 a. The treatment of a woman for a physical disorder,

1 physical injury, or physical illness, including a  
2 life-endangering physical condition caused by or arising from  
3 the pregnancy itself, that would, as certified by a physician,  
4 place the woman in danger of death.

5     b. The treatment of a woman for a spontaneous abortion,  
6 commonly known as a miscarriage, when not all of the products  
7 of human conception are expelled.

8     Sec. \_\_\_\_\_. SEVERABILITY. If any provision of this division  
9 of this Act or the application of this division of this Act to  
10 any person or circumstances is held invalid, the invalidity  
11 shall not affect other provisions or applications of this  
12 division of this Act which can be given effect without the  
13 invalid provisions or application and, to this end, the  
14 provisions of this division of this Act are severable.

15     Sec. \_\_\_\_\_. EFFECTIVE DATE. This division of this Act, being  
16 deemed of immediate importance, takes effect upon enactment.>

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SALMON of Black Hawk